

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JEAN LIN,

07-CV-3218 (RJH)

Plaintiffs,

- against -

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.  
-----X

**PROPOSED SCHEDULING ORDER**

Plaintiff, JEAN LIN, (hereinafter "Plaintiff"), and the defendant,  
METROPOLITAN LIFE INSURANCE COMPANY (hereinafter "Defendant" or  
"MetLife"), respectfully submit the following scheduling order:

1. Description of the Case

a. Attorneys  
(Plaintiff):

Ted Trief, Esq. and Eric Dinnocenzo, Esq.,  
Trief & Olk  
150 East 58<sup>th</sup> Street – 34<sup>th</sup> Fl.  
New York, NY 10155

(Defendant):

Alvin Pasternak, Esq. and Tomasita Sherer, Esq.  
Metropolitan Life Insurance Company  
One MetLife Plaza  
27-01 Queens Plaza North  
Long Island City, NY 11101

b. State the basis of Federal jurisdiction: Diversity jurisdiction

c. Briefly describe the claims asserted in the complaint and any  
counterclaims:

The plaintiff claims that the defendant has wrongfully refused to pay the  
proceeds for a life insurance policy taken on the life of her deceased  
husband. The defendant has asserted a counterclaim for rescission and  
misrepresentation.

- d. State the major legal and factual issues in the case:

The defendant has refused to pay the proceeds of the policy on the grounds that the policyholder made a material misrepresentation by failing to disclose in his policy application that he had a history of hepatitis B. The plaintiff alleges that there was no material misrepresentation because the policyholder was not infected with the hepatitis B virus and had, in fact, cleared it from his system. The defendant claims that a material misrepresentation was made.

- e. Describe the relief sought:

The plaintiff seeks full payment of the policy in the amount of one million (\$1,000,000.00) dollars.

2. Proposed Case Management Plan

- a. Identify all pending motions: None.
- b. Propose a cut off date for joinder of additional parties: 10/27/07
- c. Propose a cutoff date for amendments to pleadings: 12/27/07
- d. Propose a schedule for competition of discovery, including:
- i. A date for Rule 26(a)(1) disclosures; if not previously completed;
  - ii. A fact discovery completion date: 1/27/08
  - iii. A date for Rule 26(a)(2) disclosures:  
2/27/08 (plaintiff)  
3/27/08 (defendant)
  - iv. An expert discovery completion date, including dates for delivery of expert reports: 4/27/08
- e. Propose a date for filing dispositive motions: 5/27/08
- f. Propose a date for filing a final pretrial order: 6/27/08
- g. Propose a trial schedule, indicating:
- i. Whether a jury trial is requested: Yes
  - ii. The probable length of trial: 1 week

iii. When the case will be read for trial: 7/1/08

3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge: No

4. Status of Settlement Discussions:

a. Indicate whether any settlement discussions have occurred:

The parties have discussed their respective views of the merits of the case. Plaintiff has stated that she seeks the full policy amount. Defendant has not made an offer.

b. Describe the status of any settlement discussions; and

Please see section (a) above.

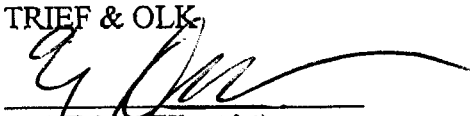
c. Whether parties request a settlement conference.

No.

Dated: New York, New York  
July 23, 2007

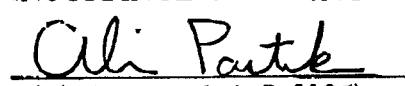
TRIEF & OLK

By:

  
Ted Trief (IT 7594)  
Eric Dinnocenzo (ED 3430)  
Attorneys for Plaintiffs  
150 East 58<sup>th</sup> Street, 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 486-6060

METROPOLITAN LIFE  
INSURANCE COMPANY

By:

  
Alvin Pasternak (AP 5085)  
Tomasita Sherer (TH 6072)  
One MetLife Plaza  
27-01 Queens Plaza North  
Long Island City, NY 11101  
(212) 578-3102